

NOT FOR PUBLICATION

CLOSED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SUDESH and SUREHKA MEHTA,  
STEVEN PINKNEY,

Plaintiff,

v.

THE CITY OF JERSEY CITY, et al.,

Defendant.

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 09-298 (DMC)

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DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon motion by Plaintiffs, Sudesh and Surehka Mehta and Steven Pinkney ("Plaintiffs"), to proceed *informa pauperis* pursuant to 28 U.S.C. § 1915; and upon consideration of Plaintiffs' application and affidavit;

**WHEREFORE** the property in dispute has been the subject of prior litigation between Plaintiffs and named Defendants in both New Jersey State Court and the District Court for the District of New Jersey since 1993 See District of New Jersey Civil Action Numbers 95-cv-05121, 97-cv-05272, 01-cv-00130, 02-cv-01228, and 06-cv-00488;

**WHEREFORE** in their current Complaint, Plaintiffs allege claims that arise from the same nucleus of operative facts raised in their previous Complaints and are duplicative of many of the allegations they have raised before, the Court concludes that Plaintiffs' Complaint is frivolous and malicious within the meaning of 28 U.S.C. § 1915(e)(2)(B).

WHEREFORE Plaintiffs' property claims under 42 U.S.C. § 1983 arise out of property that was taken pursuant to condemnation law by the City of New Jersey in 1993 and the building on the property was demolished in 2001, these claims are barred by the two-year statute of limitations. See Wilson v. Garcia, 471 U.S. 261, 276-78 (1985); Rolax v. Whitman, 175 F. Supp. 2d 720, 725 (N.J. D. 2001) (citing N.J.S.A. § 2A:14-2);

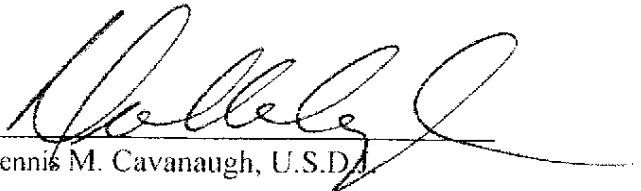
WHEREFORE Plaintiffs fail to plead facts that support their due process violation claims thus, failing to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6); and

WHEREFORE Plaintiffs' Complaint, even allowing for the fact that Plaintiffs are *pro se*, is so confusing and unintelligible that it violates Fed. R. Civ. P. 8(a) and no party could possibly reply to it;

IT IS on this 19 day of February, 2009;

ORDERED that Plaintiffs' motion to proceed *informa pauperis* is **granted**; and it is further

ORDERED that Plaintiffs' Complaint is **dismissed** with prejudice.

  
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office  
cc: All Counsel of Record  
The Honorable Mark Falk, U.S.M.J.  
File